

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Teaching)	ORDER OF SUSPENSION
)	
Certification of Kimberlee Y. Williams)	(BREACH OF CONTRACT)
)	
Certificate 230350)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on May 13, 2008. On September 19, 2007, the South Carolina Department of Education (Department) sent Ms. Williams notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. The certified mail was returned. On November 1, 2007, the Department sent Ms. Williams a second notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Williams received the notice on November 6, 2007, as evidenced by a postal receipt bearing her signature.

On November 7, 2007, Ms. Williams sent written notice to the Department requesting a hearing in this matter. On December 6, 2007, the Department sent notice to Ms. Williams and the Georgetown County School District (District) that the hearing was scheduled in this matter. The hearing was held on January 9, 2008, and Geraldine Urbanic, Esquire served as the Hearing Officer. Following the hearing, Ms. Urbanic prepared a Hearing Officer's Report that was presented to the State Board. After hearing the information presented by Ms Urbanic, the State Board voted to suspend Ms. Williams's educator certificate for a period of one year, commencing May 13, 2008, and ending May 12, 2009.

FINDINGS OF FACT

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Kimberlee Y. Williams. The State Board of Education has jurisdiction of this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Williams holds a South Carolina educator certificate and has over four years of teaching experience. On May 9, 2007, Ms. Williams signed a continuing contract with the District to serve as a Spanish Teacher for the 2007-2008 school year. On August 8, 2007, Ms. Williams resigned her position and failed to report to work on August 15, 2007. On August 15, 2007, the District notified Ms. Williams that her resignation would be accepted upon the District's finding a suitable replacement. The District began good faith efforts to locate a replacement for Ms. Williams. On October 1, 2007, a replacement teacher signed a contract with the District. On November 12, 2007, Ms. Williams requested a release from her teaching contract. On November 13, 2007, Ms. Williams received an official letter from the District, releasing her from the teaching contract with the District. The District alleges that the District endured a hardship for approximately five and a half weeks, due to the time that it took to find a replacement teacher.

The hearing was held on January 9, 2008, at the District offices, J.B. Beck Administration and Education Center, Georgetown, South Carolina. Geraldine Urbanic, served as the Hearing Officer. Following the hearing, Ms. Urbanic prepared a Hearing Officer's Report that was presented to the State board pursuant to S.C. Code Ann. § 59-5-70(B) (Supp. 2005). After considering the evidence presented by the District and Ms. Williams, the Hearing Officer recommended that the State Board suspend the educator certificate of Ms. Williams for a period of one year commencing on May 13, 2008 and ending on May 12, 2009.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004). Failing to comply with the provisions of a contract without the written consent of the local school board is deemed to be unprofessional conduct. Upon the formal complaint of the school board, substantiated by conclusive evidence, the State Board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate. S.C. Code Ann § 59-25-530 (2004); 24 S.C. Code Regs. 43-58.4 (1976). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Williams breached her contract with the Georgetown County School District, warranting the suspension of her certificate for a period of one year, commencing on May 13, 2008, and ending on May 12, 2009. It is therefore ordered that the educator certificate 230350 for Kimberlee Y. Williams be suspended for a period of one year, commencing May 13, 2008, through May 12, 2009.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 

Al Simpson, Chair

Columbia, South Carolina
May 13, 2008